

**REMARKS**

**Summary of the Office Action**

Claims 1-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Haendle (U.S. Patent No. 4,722,097) (hereinafter "Haendle") in view of Aufrichtig et al. (U.S. Patent No. 6,359,961) (hereinafter "Aufrichtig").

Claims 6-7 are allowed.

**Summary of the Response to the Office Action**

Applicants have added new claims 8-23 to differently describe embodiments of the disclosure of the instant application's specification. Accordingly, claims 1-23 are currently pending for consideration.

**Rejections under 35 U.S.C. § 103(a)**

Claims 1-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Haendle in view of Aufrichtig. The Office Action applies Haendle as meeting all of the features of independent claims 1, 3 and 4 of the instant application, except for the "telecommunications line" feature that is allegedly disclosed by Aufrichtig. The Office Action's interpretation of Haendle in this regard is respectfully traversed for at least the following reasons.

Each of independent claims 1, 3 and 4 describe a combination of features that includes an acquisition means which acquires a test image of said subject to be imaged at a time said X-ray inspection apparatus adjusts the focal diameter. Thus, Applicants respectfully submit that in embodiments of the disclosure of the instant application, as described in each of independent

claims 1, 3 and 4, the acquisition means acquires the “test image” which is to be adjusted until an individual in the maintenance staff is able to obtain a desired image. More particularly, the “test image” is described in the specification as being one under an adjustment process. See, for example, page 14, line 18 – page 15, line 15 of the specification and the Abstract of the instant application. On the other hand, in the arrangements described in Haendle, a comparison is made between images at small and large focuses, both of which are predetermined. Accordingly, Applicants respectfully submit that the “test image” as defined in the specification of the instant application, and described in the above-noted portions of independent claims 1, 3 and 4, is neither shown nor suggested by the arrangements described in Haendle. Moreover, Aufrichtig, applied only as allegedly teaching the claimed “telecommunications line,” does not cure the deficiencies of Haendle in this regard.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) should be withdrawn because none of the applied art of record, whether taken singly or combined, teach or suggest each feature of independent claims 1, 3 or 4. MPEP § 2143.03 instructs that “[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974).” Furthermore, Applicants respectfully assert that dependent claims 2 and 5 are allowable at least because of their dependence from independent claim 1 or 4, and the reasons set forth above.

The Examiner is thanked for the indication that claims 6-7 are allowed. Applicants respectfully submit that all of claims 1-7 should now be indicated as allowed for at least the foregoing reasons.

**Newly-Presented Claims**

Applicants have added new dependent claims 8-23 to differently describe embodiments of the disclosure of the instant application's specification. These new dependent claims should be allowed at least because of their dependence on independent claim 1, 3, 4 or 6, and for the additional features that they include. For example, new claims 8-11 explain that the presentation means presents the initial image at the same time as it presents the test image. Applicants respectfully submit that Haendle does not teach or suggest the presentation of images in such a way.

**CONCLUSION**

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF**

**TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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Dated: July 12, 2006

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